

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRENDA WILSON-WRIGHT) CASE NO. 3:10CV0130
)
Plaintiff,)
) JUDGE JAMES G. CARR
v.)
)
MICHAEL G. MORONT, M.D..) <u>MEMORANDUM OF OPINION</u>
) <u>AND ORDER</u>
Defendant.)

Plaintiff *pro se* Breda Wilson-Wright brings this action against Defendant Michael G. Morant, M.D. alleging that he committed medical practice while operating on her mother. Plaintiff did not include a short and plain statement of the grounds for the court's jurisdiction as required by Fed. R. Civ. P. 8(a)(1).

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam), the district court is required to dismiss an *in forma pauperis* action under 28 U.S.C. §1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *McGore v. Wrigglesworth*, 114 F.3d 601, 608-09 (6th Cir. 1997). For the reason stated below, this action is dismissed pursuant to §1915(e).

A claim for medical malpractice is a state law claim. Generally, a federal court has no jurisdiction over state law claims unless diversity of citizenship exists. 28 U.S.C. 1332(a) provides:

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between-

- (1) citizens of different states;...

In other words, in order for this Court to have jurisdiction over this matter, the plaintiff and

defendant must be citizens of different states. It appears that both parties are Ohio residents. Therefore, diversity jurisdiction does not exist and this Court has no jurisdiction.

Accordingly, Plaintiff's Motion to Proceed In Forma Pauperis is granted. This action is dismissed pursuant to 28 U.S.C. § 1915(e). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Date: March 9, 2010

S/JUDGE JAMES G. CARR
UNITED STATES DISTRICT JUDGE